IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 21760 of 2004

Between:

N. Sowjanya Devi, W/o. Y. Suryanarayana, Fair Price shop dealer
R/o. Peddadinne Village, Itikyal Mandal, Mahaboobnagar District.

.... PETITIONER

AND

1 The Joint Collector (Civil Supplies), Mahaboobnagar,

Mahaboobnagar Dist.
2 The Revenue Divisional Officer, Gadwal Division,

Mahaboobnagar Dist.
3 The Mandal Revenue Officer, Itikyal Mandal, Mahaboobnagar

District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, more especially one in the nature of writ mandamus declaring the proceedings of the 2nd respondent in canceling the petitioner's Fair Price Shop dealer authorization on the alleged fake grounds, is illegal, arbitrary and violation of principles of natural justice and in violation of Article 14, 19 and 21 of the constitution of India and consequently set aside the said proceedings in No. G/2177/2004 dt. 31-10-2004 of the 2nd respondent as illegal and direct the respondents herein to restore the petitioner's Fair Price Shop Dealer authorization of Peddadinne Village, Itikyala Mandal, Mahaboobnagar District.

Counsel for the Petitioner: MRV.L.SURENDER

Counsel for the Respondents : GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

The authorization of the petitioner was cancelled by the 2nd respondent through proceedings dated 31-10-2004. She preferred an appeal before the 1st respondent together with an application for grant of stay. The 1st respondent has not passed any order so far. The petitioner had approached this Court, seeking appropriate directions, to enable her to continue as fair price shop dealer, pending the disposal of the appeal before the 1st respondent.

Heard the learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The petitioner was issued a show cause notice. The 2nd respondent was not convinced with the explanation and he cancelled the authorisation. The petitioner preferred an appeal before the 1st respondent. The 1st respondent is required to satisfy himself as to the legality or otherwise of the order passed by the 2nd respondent. The limited question in this writ petition is, as to whether the petitioner ought to have been granted any interim orders.

Normally, the orders of cancellation stand on a different footing, from those of the suspension, in the context of grant of interim orders. An order of cancellation is stayed in exceptional cases. A perusal of the record of the present case discloses that the charges against the petitioner related to minor variations. Further, in her representation dated 08-11-2004, the petitioner stated certain facts which, even if partially true, would constituted a serious matter. She alleged that she could not run the shop because she gave birth to a child on 25-08-2004, and when her mother was running the shop, certain persons came in a drunken condition and took away certain food coupons. She also alleged that the Village Secretary has been insisting, that he should be given 10 kgs. Sugar and 15 ltrs of kerosene at free of cost. She complained that she has been abused in a very filthy language by the Secretary and that he was interfering with the running of the shop. Taking these circumstances into account, this Court is of the view that the petitioner deserves to be granted orders, enabling her to continue as fair price shop dealer.

Hence, the writ petition is disposed of, directing that the order of cancellation of authorization of the petitioner stands stayed, pending the disposal of the appeal by the 1st respondent. There shall be no order as to costs.

Sd/-

ASSISTNAT REGISTRAR

Dt.29-11-2004.

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To

1 The Joint Collector (Civil Supplies), Mahaboobnagar,

Mahaboobnagar Dist.
2 The Revenue Divisional Officer, Gadwal Division,

Mahaboobnagar Dist.
3 The Mandal Revenue Officer, Itikyal Mandal, Mahaboobnagar

District.
4 2 CCs to G.P for Civil Supplies, High Court Buildings, Hyd.(OUT)

5 2 CD copies.